

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

CRIMINAL REVISION APPLICATION NO.233 OF 2004

Sopu. Dipti Sanjay Utekar.

....Applicant.

Vs.

Shri. Sanjay Yeshwant Utekar and ors.

....Respondents.

Mr. I.A. Bagaria for the Appellant.

Ms. Priya Crasto for the Respondent No.1.

Ms. G.P. Mulekar, APP. for the State.

**CORAM : S.B.MHASE &
R.S. MOHITE, JJ.**

DATED : 27.10.2004.

P.C.

1. The consent terms submitted by the parties were taken on record by order dated 4.10.2004. Since the proceeding was under Section 125 of the Cr.P.C., it is not possible for this court to record the said consent terms as by the said consent terms Divorce by consent was agreed between the parties and therefore, we directed the parties by order dated 4.10.2004 to approach the Family Court. The parties have accordingly approached the Family Court and the Family Court has passed the decree on 25.10.2004 under Section 13(B) of the Hindu Marriage Act and the marriage is dissolved by mutual consent.

2. While taking the minutes on record we had also directed that an amount of Rs.25,000/- which is agreed between the parties shall be deposited alongwith application for dissolution of marriage in Family Court and in case the decree is passed then the amount of Rs.25,000/- be paid to the wife as per the agreement. Even though these directions were given in order dated 4.10.2004, it appears that the said amount which was deposited while presenting the M.J. Petition No.962/2004 was not paid to the petitioner/wife. Therefore, we again direct the Family Court to release the said amount of Rs.25,000/- in favour of the petitioner wife immediately.

3. In view of the dissolution of the marriage and in view of the amount accepted by the wife by way of past and future maintenance there survives no litigation between the parties for maintenance under Section 125 of the Cr.P.C. Accordingly, this Criminal Revision Application is disposed of.

(R.S. MOHITE, J.)

(S.B. MHASE, J.)